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COOK COUNTY, ILLINOIS  
WAIVER

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This Waiver is executed by and between Frosh Start Foods Limited Partnership ("Transferor") and Cargill, Incorporated ("Transferee"), in connection with the sale of Transferor's real estate located at 3800 South Morgan Street and 3817 South Racine, Chicago, Illinois, which real estate is more specifically described on Exhibit A attached hereto (the "Real Estate").

WHEREAS, the Illinois Responsible Property Transfer Act (Ill. Rev. Stat. Ch. 30, § 901 et seq.) (the "Act") provides that a transferor of property is required to deliver a disclosure document in the form required by the Act to each of the other parties to a transfer of property at least 30 days before the transfer.

WHEREAS, the Act provides that the other parties to the transfer of property may waive the 30 day deadline in a written waiver;

WHEREAS, Transferee is aware that if the disclosure document required by the Act reveals one or more environmental defects (as defined by the Act) in the Real Estate that were previously unknown to it, Transferee may be relieved of any obligation to buy or finance the transfer of Real Estate;

NOW THEREFORE, Transferee acknowledge that they are fully aware of the purpose and intent of the form of disclosure document required by the Act, (b) knowingly and voluntarily waive the requirement that the disclosure document be delivered to them at least 30 days before the sale of the Real Estate and (c) agree

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that the disclosure document may be delivered to them concurrently with the Closing or less than (30) days before the Closing.

Effective the latest date shown below.

FRESH START FOODS LIMITED PARTNERSHIP  
Transferor

By: Michael White  
Title: EXECUTIVE VICE PARTNER  
Date: 1/3/94

CARGILL, INCORPORATED  
Transferee

By: Anthony J. Jolly  
Title: VP  
Date: 1/3/94

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## EXHIBIT A

### LEGAL DESCRIPTION

#### PARCEL 1:

THE SOUTH 481.57 FEET OF THE WEST 579 FEET EAST OF THE EAST LINE OF RACINE AVENUE (EXCEPTING THEREFROM THE SOUTH 268 FEET OF THE WEST 379 FEET AND EXCEPTING THE SOUTH 286 FEET OF THE EAST 200 FEET AND ALSO EXCEPTING THE EAST 59 FEET OF THE WEST 379 FEET OF THE NORTH 18 FEET OF THE SOUTH 286 FEET THEREOF) OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS (EXCEPTING THEREFROM THE SOUTH 381.57 FEET OF THE SOUTH 481.57 FEET OF THE WEST 579 FEET EAST OF THE EAST LINE OF RACINE AVENUE (EXCEPTING THEREFROM THE SOUTH 268 FEET OF THE WEST 379 FEET AND EXCEPTING THE SOUTH 286 FEET OF THE EAST 200 FEET AND ALSO EXCEPTING THE EAST 59 FEET OF THE WEST 379 FEET OF THE NORTH 18 FEET OF THE SOUTH 286 FEET THEREOF) OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

#### PARCEL 2:

THE WEST 579 FEET LYING EAST OF THE EAST LINE OF SOUTH RACINE AVENUE OF THE SOUTH 1/2 OF THE SOUTH WEST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPTING FROM THE ABOVE DESCRIBED PROPERTY THE NORTH 33 FEET AND SOUTH 481.57 FEET THEREOF AND ALSO EXCEPTING THE PART THEREOF DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 57 FEET EAST AND 33 FEET SOUTH OF NORTH WEST CORNER OF THE SOUTH 1/2 OF THE SOUTH WEST 1/4 OF SAID SOUTH EAST 1/4 AND RUNNING THENCE EAST 138.91 FEET TO A POINT, SAID POINT BEING 195.92 FEET EAST AND 33 FEET SOUTH OF SAID NORTH WEST CORNER OF THE SOUTH 1/2; THENCE IN A SOUTH WESTERLY DIRECTION 20.40 FEET TO A POINT, SAID POINT BEING 2 FEET SOUTH OF THE FIRST DESCRIBED COURSE; THENCE IN A SOUTH WESTERLY DIRECTION ALONG THE ARC OF A CIRCLE THE RADIUS OF WHICH IS 207.50 FEET TO A POINT WHICH IS 54.36 FEET SOUTH OF THE PLACE OF BEGINNING OF THIS DESCRIPTION SAID POINT BEING 87.36 FEET SOUTH AND 57 FEET EAST OF THE NORTH WEST CORNER OF SAID SOUTH 1/2 AND THENCE NORTH 54.36 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

#### PARCEL 3:

THE SOUTH 140 FEET OF THE NORTH 173 FEET OF THE WEST 360 FEET OF THE EAST 393 FEET OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

#### PARCEL 4:

THE SOUTH 140 FEET OF THE NORTH 173 FEET OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING THE EAST 393 FEET AND THE WEST 636 FEET THEREOF, IN COOK COUNTY, ILLINOIS.

#### PARCEL 5:

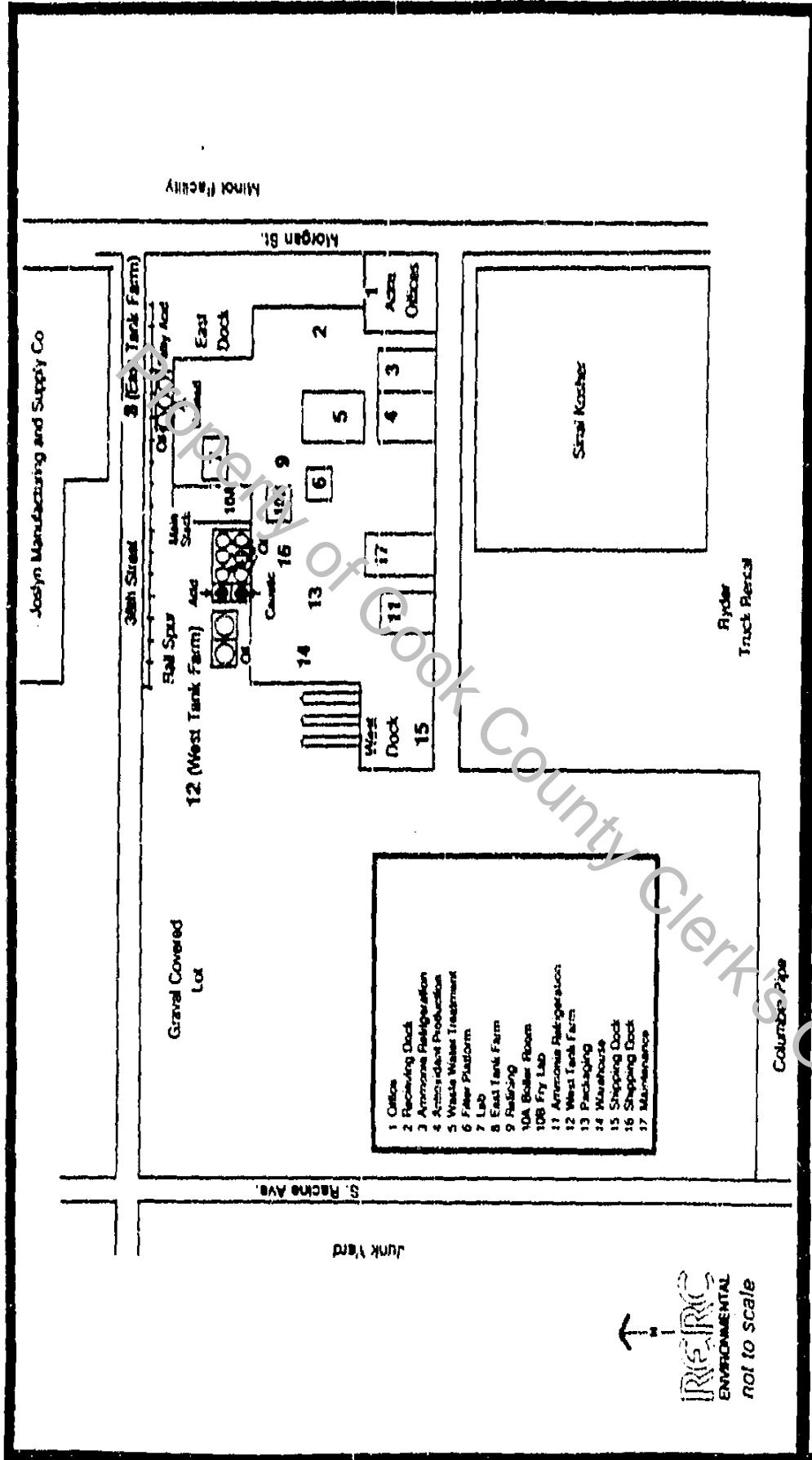
EASEMENT FOR THE BENEFIT OF PARCEL 2 AS CREATED BY GRANT OF EASEMENT RECORDED JANUARY 20, 1970 AS DOCUMENT 21,061,236 OVER THE SOUTH 33 FEET OF THE EAST 393 FEET OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND OVER THE NORTH 33 FEET OF THE WEST 360 FEET OF THE EAST 393 FEET OF THE SOUTH 1/2 OF THE SOUTH WEST 1/4 OF SOUTH EAST 1/4 OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS FOR INGRESS AND EGRESS.

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- 1 Office
- 2 Receiving Dock
- 3 Ammonia Refrigeration
- 4 Ammonia Production
- 5 Waste Water Treatment
- 6 Filter Platform
- 7 Lab
- 8 East Tank Farm
- 9 Refining
- 10A Boiler Room
- 10B Fry LAD
- 11 Ammonia Refrigeration
- 12 West Tank Farm
- 13 Packaging
- 14 Warehouse
- 15 Shipping Dock
- 16 Shipping Dock
- 17 Maintenance

**REERC**  
ENVIRONMENTAL

Interstate Foods  
3800 S. Morgan Street  
Chicago, IL

↑  
**REERC**  
ENVIRONMENTAL  
not to scale

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## ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY

The following information is provided pursuant to the Responsible Property Transfer Act of 1988

For Use By County

Recorder's Office

Seller: Fresh Start Foods Limited Partnership

County

Buyer: Carroll, Incorporated

Date

Document No.:

Doc. No.

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Rec'd by: \_\_\_\_\_

### I. PROPERTY IDENTIFICATION: 3800 S. Morgan Street

A. Address of property: 3817 S. Racine Street Chicago

Street

City or Village

Township

Permanent Real Estate Index No.: 17-32-400-078; 17-32-400-086;  
17-32-400-112; 17-32-400-141

### B. Legal Description:

Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_

Enter or attach current legal description in this area:

**SEE ATTACHED**

3800 S. Morgan

Leonard R. Wehrmeister

Prepared by: Fresh Start Foods Ltd. Partnership

NAME

3800 S. Morgan, Chgo., IL 60609

ADDRESS

Return to: John J. Sabl, Ridley & Austin

NAME

One State Nat'l Plaza, Chgo., IL 60603

ADDRESS

### LIABILITY DISCLOSURE

Transferors and transferees of real property are advised that their ownership or other control of such property may render them liable for any environmental clean-up costs whether or not they caused or contributed to the presence of environmental problems associated with the property.

### C. Property Characteristics:

Last Size 92,000 sq. ft. / 40,000 sq. ft. / Acreage 2-1/2 Acres / 2-1/2 Acres / 1-1/4 Acres

Check all types of improvement and uses that pertain to the property:

\_\_\_\_\_ Apartment building (6 units or less)

Industrial building

\_\_\_\_\_ Commercial apartment (over 6 units)

\_\_\_\_\_ Farm, with buildings

\_\_\_\_\_ Store, office, commercial building

\_\_\_\_\_ Other, specify 2 Vacant Lots

### II. NATURE OF TRANSFER:

A. (1) Is this a transfer by deed or other instrument of conveyance?

Yes

No

(2) Is this a transfer by assignment of over 25% of beneficial interest of an Illinois land trust?

\_\_\_\_\_

(3) A lease exceeding a term of 40 years?

\_\_\_\_\_

(4) A mortgage or collateral assignment of beneficial interest?

\_\_\_\_\_

3800 S. Morgan

3800 S. Morgan

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## B. SITE INFORMATION UNDER OTHER OWNERSHIP OR OPERATION

1. Provide the following information about the previous owner or any entity or person the transferor leased the site to or otherwise contracted with for the management of the site or real property:

Name: Jay Wolfe

Tasokin Furniture

Type of business/  
or property usage: Real Estate Holding Company; Furniture Retailer/Warehousing

2. If the transferor has knowledge, indicate whether the following existed under prior ownerships, leaseholds granted by the transferor, other contracts for management or use of the facilities or real property: **NO KNOWLEDGE**

	YES	NO		YES	NO
Landfill	_____	_____	Injection Wells	_____	_____
Surface Impoundment	_____	_____	Wastewater Treatment Units	_____	_____
Land Treatment	_____	_____	Septic Tanks	_____	_____
Waste Pile	_____	_____	Transfer Stations	_____	_____
Inclinators	_____	_____	Waste Recycling Operations	_____	_____
Storage Tank (Above Ground)	_____	_____	Waste Treatment Detoxification	_____	_____
Storage Tank (Underground)	_____	_____	Other Land Disposal Area	_____	_____
Container Storage Area	_____	_____			

## V. CERTIFICATION

A. Based on my inquiry of those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true and accurate.

Michael Grant  
signature

MICHAEL GRANT  
type or print name

TRANSFEROR OR TRANSFERORS (or on behalf of Transferor)

B. This form was delivered to me with all elements completed on

1/3 19 94

Martin Dudley  
signature

Martin Dudley  
type or print name

TRANSFEREE OR TRANSFEREES (or on behalf of Transferee)

C. This form was delivered to me with all elements completed on

\_\_\_\_\_ 19 \_\_\_\_\_

signature

type or print name  
LENDER

(Ch. 30, par. 906)

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3. Has the transferor ever conducted operations on the property which involved the generation, transportation, storage, treatment or disposal of "hazardous or special wastes", as defined by the federal Resource Conservation and Recovery Act and the Illinois Environmental Protection Act?

Yes  No

4. Are there any of the following specific units (operating or closed) at the property which are or were used by the transferor to manage waste, hazardous wastes, hazardous substances or petroleum?

	YES	NO		YES	NO
Landfill	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Injection Wells	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Surface Impoundment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Wastewater Treatment Units	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Land Treatment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Septic Tanks	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Waste Pile	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Transfer Stations	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Incinerator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Waste Recycling Operations	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Storage Tank (Above Ground)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Waste Treatment Detoxification	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Storage Tank (Underground)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other Land Disposal Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Container Storage Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>			

If there are "YES" answers to any of the above items and the transfer is other than a mortgage or collateral assignment of beneficial interest, attach a site plan which identifies the location of each unit, such site plan to be filed with the Environmental Protection Agency along with this disclosure document.

5. Has the transferor ever held any of the following in regard to this real property?

- a. Permits for discharges of wastewater to waters of the State. Yes  No
- b. Permits for emissions to the atmosphere. Yes  No
- c. Permits for any waste storage, waste treatment or waste disposal operation. Yes  No

6. Has the transferor had any wastewater discharges (other than sewage) to a publicly owned treatment works?

Yes  No

7. Has the transferor taken any of the following actions relative to this property?

- a. Prepared a Chemical Safety Contingency Plan pursuant to the Illinois Chemical Safety Act. Yes  No
- b. Filed an Emergency and Hazardous Chemical Inventory Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986. Yes  No
- c. Filed a Toxic Chemical Release Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986. Yes  No

8. Has the transferor or any facility on the property or the property been the subject of any of the following State or federal governmental actions?

- a. Written notification regarding known, suspected or alleged contamination on or emanating from the property. Yes  No
- b. Filing an environmental enforcement case with a court or the Pollution Control Board for which a final order or consent decree was entered. Yes  No
- c. If item b. was answered by checking Yes, then indicate whether or not the final order or decree is still in effect for this property. Yes  No

9. Environmental Releases During Transferor's Ownership

- a. Has any situation occurred at this site which resulted in a reportable "release" of any hazardous substances or petroleum as required under State or federal laws? Yes  No
- b. Have any hazardous substances or petroleum, which were released, come into direct contact with the ground at this site? Yes  No
- c. If the answers to questions (a) and (b) are Yes, have any of the following actions or events been associated with a release on the property?

- Use of a cleanup contractor to remove or treat materials including soils, pavement or other surficial materials
- Assignment of in-house maintenance staff to remove or treat materials including soils, pavement or other surficial materials
- Designation, by the IHPA or the IHSDA, of the release as "significant" under the Illinois Chemical Safety Act
- Sampling and analysis of soils
- Temporary or more long-term monitoring of groundwater at or near the site
- Impaired usage of an on-site or nearby water well because of offensive characteristics of the water
- Coping with fumes from subsurface storm drains or inside basements, etc.
- Signs of substances leaching out of the ground along the base of slopes or at other low points on or immediately adjacent to the site

10. Is the facility currently operating under a variance granted by the Illinois Pollution Control Board?

Yes  No

11. Is there any explanation needed for clarification of any of the above answers or responses?

**Ammonia release of 700 lbs. Release reported to appropriate regulatory authorities.**

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## B. (1) Identify Transferor:

Fresh Start Roads, d/b/a Interstate Roads Ltd. Partnership, 400 E. Diehl Rd., Naperville, IL 60563-1361  
Name and Current Address of Transferor

Name and Address of Trustee if this is a transfer of beneficial interest of a land trust.

Trust No.

## (2) Identify person who has completed this form on behalf of the Transferor and who has knowledge of the information contained in this form:

Leonard R. Wehmeister, Vice President, 3800 S. Morgan, Chgo., IL 60609  
Name, Position (if any), and address

312/254-9400

Telephone No.

## C. Identify Transferee: Cargill, Inc., 15407 McGinty Road West, Wayzata, MN 55391

Name and Current Address of Transferee

### III. NOTIFICATION

Under the Illinois Environmental Protection Act, owners of real property may be held liable for costs related to the release of hazardous substances.

#### 1. Section 22.2(f) of the Act states:

"Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (j) of this Section, the following persons shall be liable for all costs of removal or remedial action incurred by the State of Illinois as a result of a release or substantial threat of a release of a hazardous substance:

(1) The owner and operator of a facility or vessel from which there is a release or substantial threat of release of a hazardous substance;

(2) Any person who at the time of disposal, transport, storage or treatment of a hazardous substance owned or operated the facility or vessel used for such disposal, transport, treatment or storage from which there was a release or substantial threat of a release of any such hazardous substance;

(3) Any person who by contract, agreement, or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous substances owned, controlled or possessed by such person at a facility there is a release or substantial threat of a release of such hazardous substances; and

(4) Any person who accepts or accepted any hazardous substances for transport to disposal, storage or treatment facilities or sites from which there is a release or a substantial threat of a release of a hazardous substance."

#### 2. Section 4(q) of the Act states:

"The Agency shall have the authority to provide notice to any person who may be liable pursuant to Section 22.2(f) of this Act for a release or a substantial threat of a release of a hazardous substance. Such notice shall include the identified response action and an opportunity for such person to perform the response action."

#### 3. Section 22.2(k) of the Act states:

"If any person who is liable for a release or substantial threat of release of a hazardous substance fails without sufficient cause to provide removal or remedial action upon or in accordance with a notice and request by the agency or upon or in accordance with any order of the Board or any court, such person may be liable to the State for punitive damages in an amount at least equal to, and not more than 3 times, the amount of any costs incurred by the State of Illinois as result of such failure to take such removal or remedial action. The punitive damage imposed by the Board shall be in addition to any costs recovered from such person pursuant to this Section and in addition to any other penalty or relief provided by this Act or any other law."

#### 4. Section 22.18(a) of the Act states:

"Notwithstanding any other provision or rule of law, except as provided otherwise in subsection (b), the owner or operator, or both, of an underground storage tank shall be liable for all costs of preventive action, corrective action and enforcement action incurred by the State of Illinois as a result of a release or a substantial threat of release of petroleum from an underground storage tank."

5. The text of the statutes set out above is subject to change by amendment. Persons using this form may update it to reflect changes in the text of the statutes cited, but no disclosure statement shall be invalid merely because it sets forth an obsolete or superseded version of such text.

### IV. ENVIRONMENTAL INFORMATION

#### Regulatory Information During Current Ownership

1. Has the transferor ever conducted operations on the property which involved the generation, manufacture, processing, transportation, treatment, storage or handling of "hazardous substances", as defined by the Illinois Environmental Protection Act? This question shall not be applicable for consumer goods stored or handled by a retailer in the same form, approximate amount, concentration and manner as they are sold to consumers, provided that such retailer does not engage in any commercial mixing (other than paint mixing or tinting of consumer sized containers), finishing, refinishing, servicing, or cleaning operations on the property.

Yes  No

2. Has the transferor ever conducted operations on the property which involved the processing, storage or handling of petroleum, other than that which was associated directly with the transferor's vehicle usage?

Yes  No